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EXAMINER

BAUM, RONALD

ART UNIT

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2439

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/869,816	Applicant(s) INOKUCHI ET AL.	
	Examiner RONALD BAUM	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 49-63, 87-92 and 94-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 49-63, 87-92 and 94-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in reply to applicant's correspondence of 09 June 2009.
2. Claims 1-11, 49-63, 87-92 and 94-96 are pending for examination.
3. Claims 1-11, 49-63, 87-92 and 94-96 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11, 49-63, 87-92 and 94-96 are rejected under 35 U.S.C. 102(b) as being anticipated by Daggar, U.S. Patent 5,748,737.

Prior Art's Broad Disclosure vs. Preferred Embodiments

As concerning the scope of applicability of cited references used in any art rejections below, as per MPEP § 2123, subsection R.5. Rejection Over Prior Art's Broad Disclosure Instead of Preferred Embodiments:

I. PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also > Upsher-Smith Labs. v. Pamlab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005) (reference disclosing optional inclusion of a particular component teaches compositions that both do and do not contain that component); < Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998) (The court held that the prior art anticipated the claims even though it taught away from the claimed invention.). > See also MPEP § 2131.05 and § 2145, subsection X.D., which discuss prior art that teaches away from the claimed invention in the context of anticipation and obviousness, respectively.<

II. NONPREFERRED AND ALTERNATIVE EMBODIMENTS CONSTITUTE PRIOR ART

Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Furthermore, "[t]he prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Daggar *generally* teaches and suggests (e.g., Abstract, figures 1-5b and associated descriptions in general) the limitations set forth in the claims below.

5. As per claim 1; "A data reproducing apparatus comprising:

a memory configured to store

contents data,

subordinate data, and

right data [*Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with cryptographic (i.e., encryption/ coding/ decryption/ decoding) based wallet micro-module, secure storage (i.e., memory) elements, virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data that modifies the rights (the debit card balance available to transact a transaction); post rights use per transaction), and multiple interface aspects, the wallet/multiple media interfaces card/format/protocol encompassing the functions (i.e., representing audio, visual images, data, etc.,) of typical wallet artifacts (i.e., drivers license with associated typical photo image, 'other miscellaneous cards') and allows 'virtually all traditional wallet items to be recreated in the form of electronically stored ...'. Further, '... the user interface means exemplified by a keypad and display, ... elaborate means such as touch based or voice recognition interfaces could ... provided', clearly teach of content embodied as audio/visual form(s), encompassing the claimed limitations as broadly interpreted by the examiner.*],

said contents data including

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at least one of

audio data and

video data *[Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, and more particularly col. 11, lines 22-28, col. 13, lines 65-col. 14, line 7, col. 8, lines 31-43, col. 7, lines 32-col. 8, line 30 and col. 20, lines 11-19, whereas the electronic wallet and associated multimedia/digital card(s) with secured content (e.g., typical wallet artifacts -drivers license with associated typical photo image, 'other miscellaneous cards'-, and more particularly, financial transactions information) storage/memory elements, virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data that modifies the rights (the debit card balance available to transact a transaction); post rights use per transaction), encompassing the claimed limitations as broadly interpreted by the examiner.]*,

said subordinate data including

a reproduction condition

label of said contents data *[Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia/digital card(s) with secured content storage/memory elements, virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data that modifies the rights (the debit card balance available to transact a transaction); post rights use per transaction), encompassing the claimed limitations as broadly interpreted by the examiner.]*, and

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said right data indicating

a right to

reproduce said contents data *[Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the digital card(s) with cryptographic (i.e., encryption) based wallet micro-module, secure storage elements, virtual debit card functionality, and multiple interface aspects, clearly encompasses the claimed limitations as broadly interpreted by the examiner.]*;

a reproducing unit configured to reproduce said contents data; and

a controller configured to

control said reproducing unit

to reproduce said contents data

based on

said right data, and

to change said right data

based on

said subordinate data

when

said contents data are reproduced *[Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with cryptographic (i.e., encryption) based wallet micro-module, secure storage elements, virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data that modifies the rights (the debit card balance available to*

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transact a transaction), such that '... a transaction security controller, and a recorder and reconciler [a reproduction log identifying reproduced contents], among other functions.'; post rights use per transaction), and multiple interface aspects, clearly encompasses the claimed limitations as broadly interpreted by the examiner.].

said reproduction conditions label

identifying a charge type among the charge types of

buying type,

gross type and

degree type, and

respectively specifying the charge conditions [*Abstract, col. 1, lines 5-25, col.*

7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia/digital card(s) with secured content storage/memory elements, virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data/reproduction conditions label that modifies the rights (the debit card balance available to transact a transaction); post rights use per transaction). Further, 'debited amounts per transaction ' are associated with a charge type/associated charge conditions, insofar as 'debited amounts per transaction ' are clearly all of: (1) a buying type insofar as a debited amount is a buying type of charge relative to an associated transaction, and (2) a gross type insofar as a debited amount is a quantifying/maximal charging parameter such that a gross amount of debit per transaction activity is possible relative to the gross amount of available funds stored/associated with the debit card at a

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particular time, also relative to the reproduction aspect of the wallet/virtual debit card, thereby encompassing the claimed limitations as broadly interpreted by the examiner.]

said memory storing at least one of

information concerning

a number of occurrences in which

said contents is reproduced and

information concerning

an amount of time during which

said contents is reproduced [*Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia/digital card(s) with secured content storage/memory elements, virtual debit/credit card functionality, insofar as the amount debited per transaction is such that the finest granularity (i.e., 1 cent of a dollars and cents money formatted exchange) would put an enumerated limit (i.e., the number of cents in the balance remaining would set an upper bound count number of occurrences per se; 'information concerning ... number of occurrences ... contents is reproduced '), and further, the associated expiration date of an associated virtual debit/credit card would constitute a 'information concerning ... amount of time during ... contents is reproduced ', both of which are clearly stored as part of the electronic wallet/multimedia/digital card(s)/associated secured content storage/memory elements, thereby*

encompassing the claimed limitations as broadly interpreted by the examiner.], and

said information concerning

a number of occurrences in which said contents is reproduced and/or

said information concerning

an amount of time during which said contents is reproduced

being updated

upon reproduction of contents [*Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia/digital card(s) with secured content storage/memory elements, virtual debit/credit card functionality, insofar as the amount debited per transaction is such that the finest granularity (i.e., 1 cent of a dollars and cents money formatted exchange) would put an enumerated limit (i.e., the number of cents in the balance remaining would set an upper bound count number of occurrences per se; 'information concerning ... number of occurrences ... contents is reproduced '), and further, the associated expiration date of an associated virtual debit/credit card would constitute a 'information concerning ... amount of time during ... contents is reproduced ', both of which are clearly processed as part of the electronic wallet/multimedia/digital card(s)/associated secured content storage/memory elements reproduction aspect, thereby encompassing the claimed limitations as broadly interpreted by the examiner.].*

Further, as per claim 11, this claim is the method claim for the apparatus claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

6. Claim 2 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 1, wherein

said reproduction log is stored in said memory”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, and more particularly, col. 9, lines 15-16, whereas the electronic wallet and associated multimedia card and digital card(s) with cryptographic based wallet micro-module, secure storage elements, virtual debit card functionality, such that ‘... a transaction security controller, and a recorder and reconciler [reproduction log is stored in said memory], among other functions.’, clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

7. Claim 3 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 1, further comprising

an interface that

safely exchanges data with an external apparatus by

encrypting the data,

wherein

said right data is transmitted through the interface.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic,

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etc., card interfaces) as associated with the stored data/parameters/transaction (virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data that modifies the rights (the debit card balance available to transact a transaction); post rights use per transaction)) logs, etc., and encompasses the claimed limitations as broadly interpreted by the examiner.).

8. Claim 4 ***additionally recites*** the limitation that; “The data reproducing apparatus according to claim 3, wherein

the interface has a contactless communicating unit.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic, etc., card interfaces) which include proximity/contactless based (i.e., magnetic, weigand, RF, etc.) technologies, and encompasses the claimed limitations as broadly interpreted by the examiner.).

9. Claim 5 ***additionally recites*** the limitation that; “The data reproducing apparatus according to claim 4, wherein

the interface has

an electric power receiving unit; and

the data stored in said memory can be accessed through said interface by

receiving power through said interface.”.

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The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, such that power supplied via solar cells (i.e., col. 12, lines 66-col. 13, line 3, col. 17, lines 1-44), encompasses the claimed limitations as broadly interpreted by the examiner.).

10. Claim 6 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 1, further comprising

an interface that

safely exchanges data with an external apparatus by

encrypting the data,

wherein log data is stored in said memory and

can be transmitted through said interface.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic, etc., card interfaces) as associated with the stored data/parameters/transaction logs, etc., and encompasses the claimed limitations as broadly interpreted by the examiner.).

11. Claim 7 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 6, wherein

said interface has a contactless communicating unit.”.

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The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic, etc., card interfaces) which include proximity/contactless based (i.e., magnetic, weigand, RF, etc.) technologies, and encompasses the claimed limitations as broadly interpreted by the examiner.).

12. Claim 8 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 7, wherein

said interface has an electric power receiving unit and

the data stored in said memory can be accessed through said interface by

receiving power through said interface.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, such that power supplied via solar cells (i.e., col. 12, lines 66-col. 13, line 3, col. 17, lines 1-44), encompasses the claimed limitations as broadly interpreted by the examiner.).

13. Claim 9 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 1, wherein

when the contents data are decoded,

a decoding condition is embedded

as a watermark into the output data.”.

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The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’, encompasses the claimed limitations as broadly interpreted by the examiner.).

14. Claim 10 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 9, wherein

when the contents data includes a watermark,

the contents data can be decoded when

the watermark is the same as the decoding condition.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not authenticated (i.e., financial transactions won’t allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

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15. Further, as per claim 49, this claim is the apparatus embodiment of claim 1 for the case where the reproduction rights indicate the content reproduction is billable (i.e., a financial transaction is involved for reproduction as per the reproduction rights), and is rejected for the same reasons provided for the claim 1 rejection. Further, as per Daggar, the Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet micro-module secure storage (i.e., col. 18, lines 62-col. 21, line 35, col. 9, lines 5-30 ‘emphasis on data security as opposed to media security ... a remote banking terminal, ... a transaction security controller, and transaction recorder and reconciler, among other functions ...’), virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data that modifies the rights (the debit card balance available to transact a transaction; inclusive of rights such that debit amounts are unlimited (i.e., content is effectively ‘free’) /balance of ‘zero’ (i.e., content is effectively completely restricted from a rights aspect) states); post rights use per transaction, inclusive of decoding/decryption of debit/content data for said transaction use), clearly encompasses the claimed limitations as broadly interpreted by the examiner.

16. Claim 50 *additionally recites* the limitation that; “The reproducing apparatus according to claim 49, wherein

when the decoded contents data is free,

the controller does not change

said right data stored in said second storage.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet micro-module secure storage (i.e., col. 18, lines 62-col. 21, line 35, col. 9, lines 5-30 ‘emphasis on data security as

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opposed to media security ... a remote banking terminal, ...a transaction security controller, and transaction recorder and reconciler, among other functions ...'), virtual debit card functionality (i.e., the debited amounts per transaction corresponding to subordinate data that modifies the rights (the debit card balance available to transact a transaction; inclusive of rights such that debit amounts are unlimited (i.e., content is effectively 'free' and rights data also effectively does not change) /balance of 'zero' (i.e., content is effectively completely restricted from a rights aspect) states); post rights use per transaction, inclusive of decoding/decryption of debit/content data for said transaction use), clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

17. Claim 51 *additionally recites* the limitation that; "The reproducing apparatus according to claim 49, further comprising

a converting unit configured to convert

output contents data outputted from the reproducing unit into

an analog signal."

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic, etc., card interfaces) which include proximity/contactless based (i.e., magnetic, weigand, RF, etc.) technologies, whereas the interfacing to said technologies is an analog signal, and encompasses the claimed limitations as broadly interpreted by the examiner.).

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18. Claim 52 *additionally recites* the limitation that; “The reproducing apparatus according to claim 49, wherein

said reproduction log is stored in

said second storage.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and the case of financial transactions (i.e., banking transactions) and user associated information, encompasses the claimed limitations as broadly interpreted by the examiner.).

19. Claim 53 *additionally recites* the limitation that; “The reproducing apparatus according to claim 52, further comprising

a communicating unit, wherein

the reproduction log and

the right data are transmitted to

an external apparatus through the communicating unit.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet case of financial transactions (i.e., banking transactions) and user associated information, encompasses the claimed limitations as broadly interpreted by the examiner.).

20. Claim 54 *additionally recites* the limitation that; “The reproducing apparatus according to claim 53, wherein

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an operation power is supplied to the apparatus from
an exterior source through the communicating unit.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, such that power supplied via solar cells (i.e., col. 12, lines 66-col. 13, line 3, col. 17, lines 1-44), encompasses the claimed limitations as broadly interpreted by the examiner.).

21. Claim 55 *additionally recites* the limitation that; “The reproducing apparatus according to claim 49, wherein the reproducing unit comprises

a decoder configured to decode
an encryption performed on the contents data and
a decompressing unit configured to decompress
the data decoded by the decoder.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with cryptographic (i.e., encryption/ coding/ decryption/ decoding) and associated data protocol processing (i.e., decompressing, decoding, reformatting, etc.) based wallet micro-module, secure storage elements, multiple interface aspects (i.e., the cards being medium elements), and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not

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authenticated (i.e., financial transactions won't allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

22. Claim 56 *additionally recites* the limitation that; "The reproducing apparatus according to claim 49, further comprising

a watermark detecting unit for

detecting whether a watermark has been added to

output data outputted from the reproducing unit,

wherein when

the watermark is not detected from the reproduced data,

the reproduced data are outputted.".

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and 'Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)', encompasses the claimed limitations as broadly interpreted by the examiner.).

23. Claim 57 *additionally recites* the limitation that; "The reproducing apparatus according to claim 56, wherein

when the data regarding the reproducing conditions are

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included in the watermark detected by the watermark detecting unit,
the controller
collates
the output data with
the data regarding the reproducing conditions
extracted from the reproduced subordinate data and
outputs the reproducing data from the reproducing unit when
the data corresponding to the reproducing conditions
detected by the watermark detecting unit coincides with
the data corresponding to the reproducing conditions
extracted from the reproduced subordinate data stored in the first
storage.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not authenticated (i.e., financial transactions won’t allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

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24. Claim 58 *additionally recites* the limitation that; “The reproducing apparatus according to claim 56, wherein

when the data regarding the reproducing conditions detected by the watermark detecting unit does not coincide with

the data regarding the reproducing conditions extracted from the decoded subordinate data stored in the first storage,

the controller does not output the reproduced contents data from the decoding unit.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not authenticated (i.e., financial transactions won’t allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

25. Claim 59 *additionally recites* the limitation that; “The reproducing apparatus according to claim 58, wherein

said reproducing unit further includes

a reproducing conditions detecting unit configured to

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extract the data regarding the reproducing conditions from the decoded contents data.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not authenticated (i.e., financial transactions won’t allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

26. Claim 60 *additionally recites* the limitation that; “The reproducing apparatus according to claim 57, further comprising

a watermark adding unit configured to

add a watermark formed on the basis of

the data regarding the reproducing conditions,

wherein when the watermark cannot correctly be detected from the decoded contents data outputted from said reproducing unit by the watermark detecting unit,

the watermark adding unit

forms the watermark and

adds the watermark to the reproduced contents data.”.

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The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not authenticated (i.e., financial transactions won’t allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

27. Claim 61 *additionally recites* the limitation that; “The reproducing apparatus according to claim 60, wherein

when the watermark is correctly detected from the reproduced contents data from the reproducing unit by said watermark detecting unit,

said watermark adding unit

does not add the watermark to the reproduced contents data.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not authenticated (i.e., financial transactions won’t

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allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

28. Claim 62 *additionally recites* the limitation that; “The reproducing apparatus according to claim 49, wherein

said reproducing unit,

said second storage, and

said controller are constructed as one chip.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, are such that the various embodiments involving the wallet/smartcard architectures clearly are integrated into single chip configurations, and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

29. Claim 63 *additionally recites* the limitation that; “The reproducing apparatus according to claim 49, wherein

when the right data stored said second storage unit indicate that

the reproduced contents data cannot be reproduced,

said controller stops the reproducing process.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and

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‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13,lines 28-col. 14,line 8, col. 18,lines 62-col. 21,line 30)’ whereas the case of financial transactions clearly won’t occur if said user associated information so embedded is not authenticated (i.e., financial transactions won’t allow for multiple, reproduced, duplicated transactions), and therefore encompasses the claimed limitations as broadly interpreted by the examiner.).

30. Claim 87 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 1, wherein

said contents data includes at least one of

audio data,

video data,

still image data,

character data,

computer graphic data,

game software, and

a computer program.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1,lines 5-25, col. 7,lines 33-col. 9,line 31, col. 9,lines 63-col. 21,line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13,lines 28-col. 14,line 8, col.

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18,lines 62-col. 21,line 30)’ whereas the case of ‘... card owner signature, photo, hologram ...’, clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

31. Claim 88 *additionally recites* the limitation that; “The data reproducing apparatus according to claim 49, wherein

said contents data includes at least one of

audio data,

video data,

still image data,

character data,

computer graphic data,

game software, and

a computer program.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1,lines 5-25, col. 7,lines 33-col. 9,line 31, col. 9,lines 63-col. 21,line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13,lines 28-col. 14,line 8, col. 18,lines 62-col. 21,line 30)’ whereas the case of ‘... card owner signature, photo, hologram ...’, clearly encompasses the claimed limitations as broadly interpreted by the examiner.).

32. Claim 89 *additionally recites* the limitation that; “The data reproducing method according to claim 11, further comprising the step of

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exchanging data with an external apparatus through an interface

by encrypting the data,

wherein said right data is transmitted through the interface.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic, etc., card interfaces) as associated with the stored data/parameters/transaction logs, etc., and encompasses the claimed limitations as broadly interpreted by the examiner.).

33. Claim 90 *additionally recites* the limitation that; “The data reproducing method according to claim 89, wherein the step of exchanging data comprises the step of exchanging data through an interface

that includes a contactless communicating unit.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic, etc., card interfaces) which include proximity/contactless based (i.e., magnetic, weigand, RF, etc.) technologies, and encompasses the claimed limitations as broadly interpreted by the examiner.).

34. Claim 91 *additionally recites* the limitation that; “The data reproducing method according to claim 90, wherein the step of exchanging data comprises the step of

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exchanging data through an interface
that includes an electric power receiving unit; and
wherein data can be accessed through said interface by
receiving power through said interface.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, such that power supplied via solar cells (i.e., col. 12, lines 66-col. 13, line 3, col. 17, lines 1-44), encompasses the claimed limitations as broadly interpreted by the examiner.).

35. Claim 92 *additionally recites* the limitation that; “The data reproducing method according to claim 11, further comprising the step of
transmitting a reproduction log through an interface.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet case of financial transactions (i.e., banking transactions) and user associated information, encompasses the claimed limitations as broadly interpreted by the examiner.).

36. Claim 94 *additionally recites* the limitation that; “The data reproducing method according to claim 92, wherein the step of exchanging data comprises the step of
exchanging data through an interface
that includes a contactless communicating unit.”.

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The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and multiple interface aspects, clearly interfaces external to the device (i.e., user interface, magnetic, etc., card interfaces) as associated with the stored data/parameters/transaction logs, etc., and encompasses the claimed limitations as broadly interpreted by the examiner.).

37. Claim 95 *additionally recites* the limitation that; “The data reproducing method according to claim 94, wherein the step of exchanging data comprises the step of
exchanging data through an interface
that includes an electric power receiving unit; and
wherein data can be accessed through said interface by
receiving power through said interface.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s), secure storage elements, and multiple interface aspects, such that power supplied via solar cells (i.e., col. 12, lines 66-col. 13, line 3, col. 17, lines 1-44), encompasses the claimed limitations as broadly interpreted by the examiner.).

38. Claim 96 *additionally recites* the limitation that; “The data reproducing method according to claim 11, wherein
said step of reproducing comprises the steps of
decoding said contents data and

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embedding a decoding condition

as a watermark on the decoded data.”.

The teachings of Daggar suggest such limitations (Abstract, col. 1, lines 5-25, col. 7, lines 33-col. 9, line 31, col. 9, lines 63-col. 21, line 35, whereas the electronic wallet and associated multimedia card and digital card(s) with encryption based wallet micro-module, secure storage elements, and ‘Other physical information such as a card owner signature, photo, hologram and bar code could also be included on the ... card ... owner specific (i.e., col. 13, lines 28-col. 14, line 8, col. 18, lines 62-col. 21, line 30)’, encompasses the claimed limitations as broadly interpreted by the examiner.).

Response to Amendment

39. As per applicant’s argument concerning the lack of teaching by Daggar of the storage and processing period, relative to reproduction aspects, of: (1) the number of times reproduction is permitted, and (2) the period of time reproduction is permitted, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive (see claims 1, 11 and 49 rejections above, as related to the rejection discussion of the last limitation of claim 1).

40. Therefore, the amended claim language still does not patently distinguish the claimed invention from the claims as previously presented, such that the rejections as presented above in the claim-by-claim rejection are maintained.

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

42. The examiner suggests for the sake of moving prosecution forward that the applicant, as mentioned in the conclusion of the previous office action, direct the amendment of claim limitations more particularly towards the specifics of: (1) the relationship between the nature of the content being audio, video, or whatever, as opposed to Daggar or equivalent references that merely have an audio/video/image characteristic per se (e.g., an MP3 distributed music CD/DVD is audio/video/image content per se, where the Daggar audio/video/image aspects related to the wallet content are associated aspects of the wallet content), and (2) the relationship between the nature of the “reproduction conditions label”, the “content”, and associated rights/permissions such that the relationship is more tightly coupled, such that the claims delineate the specifics that differentiate the inventive concept from transaction type embodiments, generally involved in the reference, and possible related art.

43. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Edan Orgad, can be reached at (571) 272-7884. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for

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unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

/R. B./

Examiner, Art Unit 2439

/Christopher J Brown/

Primary Examiner, Art Unit 2439